

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>SUSIE WILLIAMS,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No.</b>
	)	
<b>VIVA HEALTH INC.,</b>	)	<b>2:07-cv-00321-WKW-TFM</b>
<b>and RICKY CRAPP,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT VIVA HEALTH INC.'S  
MOTION REQUESTING ORAL ARGUMENT**

Defendant VIVA Health Inc. ("VIVA Health") respectfully requests the Court to set a date for a hearing of oral argument as to Plaintiff's Motion to Remand (Doc. 4). As grounds for this request, VIVA Health states as follows:

1. On April 30, 2007, the Court entered a Briefing Order (Doc. 5) providing as follows in paragraph 4: "Unless the Court determines that a hearing is necessary or helpful, at which time a date will be set, the Court will determine [Plaintiff's Motion to Remand] without oral argument" as submitted on June 4, 2007.

2. On June 1, 2007, Plaintiff filed Plaintiff Susie Williams' Reply to Defendant VIVA Health, Inc.'s Response to Plaintiff's Motion to Remand ("Plaintiff's Reply") (Doc. 7).

3. In Plaintiff's Reply, Plaintiff submits new evidence and asserts new arguments, to which VIVA Health hereby requests an opportunity to respond. In addition, in Plaintiff's Reply, Plaintiff does not address a number of issues. For example, Plaintiff does not argue that her claims are not based on VIVA Health's having an alleged duty to discourage Plaintiff from enrolling with VIVA Health.

WHEREFORE, VIVA Health hereby respectfully requests the Court to set a date for a hearing of oral argument as to Plaintiff's Motion to Remand.

/s/ James S. Christie, Jr.

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Attorneys for Defendant  
VIVA Health Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

L. Cooper Rutland, Jr.  
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and hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None

/s/ James S. Christie, Jr.  
\_\_\_\_\_  
One of the Attorneys for  
Defendant VIVA Health, Inc.